

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ERNEST L. STARKS,

Plaintiff,

VS.

DAVID WILLIAMS, JR., *et al.*,

Defendants.

Case No. 5:14-cv-02320-CLS-SGC

MEMORANDUM OPINION

The magistrate judge filed a Report and Recommendation on March 21, 2016, recommending that plaintiff's federal constitutional claims be dismissed, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief may be granted. (Doc. 5 at 15). The magistrate judge further recommended that plaintiff's state law claims be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). (*Id.*). Plaintiff filed objections to the Report and Recommendation on April 6, 2016. (Doc. 6).

Plaintiff objects to the recommended dismissal of his 42 U.S.C. § 1983 claims on the basis of the expiration of the statute of limitations, because “errors that seriously undermine the validity of criminal proceedings have been held to constitute a miscarriage of justice,” and “[a] right wherever recognized to claim innocence can be file[d] at any time.” (*Id.* at 1-3). Plaintiff’s objections are without merit because

the principles he relies upon – *i.e.*, miscarriage of justice and actual innocence – are not applicable to a civil rights lawsuit brought pursuant to 42 U.S.C. § 1983. Instead, those principles sound in habeas corpus, an entirely different proceeding brought by a petitioner seeking relief from a criminal conviction and sentence on constitutional grounds.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the plaintiff's federal constitutional claims are DISMISSED pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim on which relief may be granted, and the plaintiff's state law claims are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.